

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**SERGIO MIGUEL ZAMBRANO,**

Plaintiff,

v.

**OREGON DEPARTMENT OF  
CORRECTIONS et al.,**

Defendants.

Case No. 2:22-cv-00443-SB

**OPINION AND ORDER**

**MOSMAN, J.,**

On December 29, 2022, Magistrate Judge Stacie F. Beckerman issued her (1) Findings and Recommendation (“F&R”) [ECF 44], (2) Order denying Plaintiff’s Motion to Compel [ECF 46], and (3) Order granting in part Plaintiff’s Motion for Extension of Discovery and PTO Deadlines and Defendants’ Motion for Extension of Time to File Dispositive Motions [ECF 47]. At issue are Plaintiff’s objections to the F&R and Orders [ECF 59], which he filed on February 15, 2023. Upon review, I agree with Judge Beckerman. Further, Plaintiff’s objections are untimely pursuant to Fed. R. Civ. P. 72.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make

a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

A magistrate judge is authorized to hear and determine certain pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A). If a party timely objects to a magistrate judge's order on a nondispositive matter, the district judge in the case must modify or set aside any part of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). After being served with a copy of the order, a party has fourteen days to serve and file objections.

### CONCLUSION

Upon review, I agree with Judge Beckerman's F&R and Orders. Further, Plaintiff filed objections well after the fourteen-day limitation imposed by Fed. R. Civ. P. 72. Accordingly, I ADOPT Judge Beckerman's Orders [ECF 46, 47] as my own and ADOPT the F&R pursuant to my previous ruling [ECF 61].

IT IS SO ORDERED.

DATED this 31 day of May, 2023.

  
MICHAEL W. MOSMAN  
Senior United States District Judge